

John B. Sganga (State Bar No. 116,211)
 Frederick S. Berretta (State Bar No. 144,757)
 Joshua J. Stowell (State Bar No. 246,916)
 KNOBBE, MARTENS, OLSON & BEAR, LLP
 550 West C Street
 Suite 1200
 San Diego, CA 92101
 (619) 235-8550
 (619) 235-0176 (FAX)

Vicki S. Veenker (State Bar No. 158,669)
 Adam P. Noah (State Bar No. 198,669)
 SHEARMAN & STERLING LLP
 1080 Marsh Road
 Menlo Park, CA 94025
 (650) 838-3600
 (650) 838-3699 (FAX)

Attorneys for Plaintiffs and Counter-Defendants,
 THE LARYNGEAL MASK COMPANY LTD.
 and LMA NORTH AMERICA, INC.

**IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

THE LARYNGEAL MASK COMPANY
 LTD. and LMA NORTH AMERICA, INC.,

Plaintiffs,

v.

AMBU A/S, AMBU INC., AMBU LTD.,
 and AMBU SDN. BHD.,

Defendants.

AMBU INC.,

Counterclaimant,

v.

THE LARYNGEAL MASK COMPANY
 LTD. and LMA NORTH AMERICA, INC.,

Counter-Defendants.

Civil Action No. 07-cv-1988-DMS (NLS)

**PLAINTIFFS' REPLY TO
 COUNTERCLAIMS OF DEFENDANT
 AMBU INC.**

1 Plaintiffs and Counter-Defendants The Laryngeal Mask Company Ltd. and LMA North
 2 America, Inc. (hereinafter, "Plaintiffs") hereby Reply to the Counterclaims asserted by
 3 Defendant and Counterclaimant Ambu Inc. (hereinafter, "Ambu") in the above-captioned action.
 4 This Reply is made by Plaintiffs without prejudice to their pending motion to disqualify the law
 5 firm of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP ("Finnegan"), and without
 6 prejudice to Plaintiffs filing a motion to strike or expunge the Answer and Counterclaims and
 7 any other pleadings or papers filed in whole or in part by Finnegan in this action should the
 8 Court grant Plaintiffs' pending motion.

9 REPLY TO COUNTERCLAIMS

10 1. In response to Paragraph 1 of Ambu's Counterclaims, this paragraph needs no
 11 reply from Plaintiffs because it merely incorporates Ambu's responses and affirmative defenses
 12 to the allegations of Plaintiffs' First Amended Complaint. To the extent it purports to
 13 incorporate any other allegations or averments by Ambu, they are denied by Plaintiffs.

14 The Parties

- 15 2. Plaintiffs admit the allegations of Paragraph 2 of Ambu's Counterclaims.
- 16 3. Plaintiffs admit the allegations of Paragraph 3 of Ambu's Counterclaims.
- 17 4. Plaintiffs admit the allegations of Paragraph 4 of Ambu's Counterclaims.
- 18 5. Plaintiffs admit the allegations of Paragraph 5 of Ambu's Counterclaims.

19 Jurisdiction and Venue

20 6. In response to Paragraph 6 of Ambu's Counterclaims, Plaintiffs admit that the
 21 Counterclaims purport to allege claims arising under the Declaratory Judgment Act, 28 U.S.C.
 22 §§ 2201 and 2202, based upon a controversy between the parties arising under the patent laws of
 23 the United States, 35 U.S.C. § 100 *et seq.* Plaintiffs deny that Ambu is entitled to any relief
 24 under its Counterclaims. Plaintiffs admit that this Court possesses subject matter jurisdiction
 25 over Ambu's Counterclaims.

- 26 7. Plaintiffs admit the allegations of Paragraph 7 of Ambu's Counterclaims.

27 8. In response to Paragraph 8 of Ambu's Counterclaims, Plaintiffs admit that venue
 28 is proper in this Court.

Counterclaim for Declaratory Judgment

First Counterclaim

9. Plaintiffs deny the allegations of Paragraph 9 of Ambu's Counterclaims.

Second Counterclaim

10. Plaintiffs deny the allegations of Paragraph 10 of Ambu's Counterclaims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and Counter-Defendants The Laryngeal Mask Company Ltd. and LMA North America, Inc. pray for judgment on Ambu's Counterclaims as follows:

A. That the Court enter judgment against Ambu on its Counterclaims; that Ambu take nothing by reason of its Counterclaims; and that the Counterclaims be dismissed with prejudice;

B. That Plaintiffs and Counter-Defendants be awarded their costs and fees incurred in defending Ambu's Counterclaims, including reasonable attorneys' fees, pursuant to 35 U.S.C. § 285; and

C. That Plaintiffs and Counter-Defendants have such other and further relief as this Court may deem just and proper.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 20, 2007

By: s/Frederick S. Berretta

John B. Sganga
Frederick S. Berretta
Joshua J. Stowell

Attorneys for Plaintiffs and Counter-Defendants,
THE LARYNGEAL MASK COMPANY LTD.
and LMA NORTH AMERICA, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2007, I caused the foregoing **PLAINTIFFS'**
REPLY TO COUNTERCLAIMS OF DEFENDANT AMBU INC. to be electronically
filed with the Clerk of the Court using the CM/ECF system which will send electronic
notification of such filing to the applicable registered filing users.

John L'Estrange, Jr.
j.lestrange@wllawsd.com
WRIGHT & L'ESTRANGE

I declare that I am employed in the office of a member of the bar of this Court at
whose direction the service was made.

Dated: December 20, 2007


Megan Placin

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